

Exhibit D

From: Wedgworth, Peggy <pwedgworth@milberg.com>
Sent: Friday, October 11, 2019 3:11 PM
To: Provance, Matthew D.; Nemelka, Michael N.; McKenna, Elizabeth; SERVICE-EXTERNAL-DMS-MDL
Cc: Aundrea K Gulley; Brian T. Ross; Brice Wilkinson; Miller, Britt M.; Fenske, Daniel T.; Ryan, Mark
Subject: [EXTERNAL] RE: In re DMS, 18-cv-864 (N.D. Ill.) - Expert Depositions

****EXTERNAL SENDER****

Dear Matt,

We disagree with any suggestions that we have caused delay. We sent an immediate response to your initial email regarding expert depositions in order to establish an expert deposition protocol and resolve some expert issues unique to this MDL. You responded one full week later. After an additional round of emails on this topic, you took over 5 days to respond to our most recent email which response did not even address the issues in our email or make any attempt to resolve them.

Despite our efforts to expeditiously put in place some expert deposition ground rules so that we could all go forward with clarity, several issues remain. We again request that you provide any edits or clarification to our proposed expert deposition chart by Tuesday.

In the spirit of good faith, Dr. Williams is available on Nov. 25 in San Francisco. In addition, we confirm Nov. 7 for Mr. Skejskal's deposition, and will finalize a location by Tuesday. In addition, we agree to an extended expert schedule, pursuant to which CDK's expert rebuttal report, if any, in response to Dr. Williams's report would be due December 20, and any reply by Dealers would be due Jan. 24.

Regards,

Peggy Wedgworth, Esq.

Partner



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From: Provance, Matthew D. <MProvance@mayerbrown.com>
Sent: Friday, October 11, 2019 1:59 PM
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Subject: In re DMS, 18-cv-864 (N.D. Ill.) - Expert Depositions

Peggy, Mike –

Thank you for the call this morning. As we discussed, please confirm that Mr. Stejskal will be available for deposition on November 7, 2019, and confirm the location of his deposition (Washington, D.C., or otherwise). As for the deposition of Dr. Williams, we were informed this morning that he will be out of the country next week and therefore unavailable on October 16. However, we understand that the Dealership Plaintiffs have offered to make him available during the month of November, and further, Dealership Plaintiffs will agree to an extension of deadlines to issue rebuttal reports that address Dr. Williams's opinions until after he is deposed, provided that reply deadlines concerning Dr. Williams's opinions are extended accordingly. Please get back to us today with the dates in November that Dr. Williams is available for deposition, as well as the location where he will be made available, so that we may proceed with scheduling his deposition without further delay. Further, the date of Dr. Williams's deposition will define the extension necessary for rebuttal deadlines, and to the extent the parties are at an impasse regarding the scheduling issues discussed below, we would like to inform the Court in this regard.

Regarding the extension of rebuttal deadlines, for the reasons discussed this morning, we believe that rebuttal deadlines for all experts should remain on the same track, and therefore, such deadlines should be extended by one week following the deposition of Dr. Williams (with related deadlines adjusted accordingly). I will also confirm that CDK intends to issue rebuttal reports that address multiple Plaintiff experts, including reports that address Dr. Williams and other expert opinion in a single report. This is an additional reason why proceeding with expert rebuttal disclosures on two separate tracks is not efficient or reasonable. We understand from the call today that the Individual Plaintiffs are not opposed to an extension of Williams-related rebuttal deadlines, but oppose an extension of non-Williams-related rebuttal deadlines, and therefore (and as we suggested this morning), the parties are at an impasse. If our understanding is not correct please let us know before 3:00 p.m. (Central) today.

Thanks,
Matt

Matthew Provance

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